IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 7108 of 2006

RAJMAL

V/S

A.D.J.NIMBAHERA & ANR.

Mr. SL JAIN, for the appellant / petitioner

Mr. SHASHI JOSHI for Mr. VK MATHUR, for the respondent

Date of Order : 4.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The matter comes up for consideration of stay. However, at the request of the learned counsel for the parties the matter is finally heard.

By the impugned order Annexure-4, the learned trial court has found the document sought to be proved by the petitioner to be a composite deed of dissolution of partnership, and partition, which is insufficiently stamped, and is unregistered, and therefore, the learned trial court has declined permission to tender it in evidence.

I have gone through the document, copy whereof is produced vide Annexure-5 in this writ petition.

It is contended by the learned counsel for the

petitioner that this document does not at all effect any immovable property, or any rights in immovable property. In that view of the matter, obviously the document does not require any registration. So far the stamp duty is concerned, the learned trial court is directed to determine leviable stamp duty, and penalty, and if the petitioner deposits the same, the document may be allowed to be tendered in evidence otherwise impugned order will stand, and the learned trial court will proceed with the trial of the suit expeditiously. The writ petition is partly allowed.

(N P GUPTA),J.

/Sushil/